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The United States Olympic Committee and
the International Olympic Committee

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

11 The United States Olympic Committee
12 and the International Olympic
Committee.

13 || Plaintiffs,

14 || v.

15 Xclusive Leisure & Hospitality Ltd.;
Beijingticketing.com; 2008-
16 Olympics.com;
Beijingolympic2008tickets.com;
17 Beijingolympictickets2008.com;
Olympic-tickets.net;
18 Olympicticketsbeijing2008.com; Does
1-10, inclusive,

Defendants.

Case No. C 08-03514 JSW

**[PROPOSED] ORDER GRANTING
MOTION FOR RECONSIDERATION;
OR, IN THE ALTERNATIVE,
[PROPOSED] ORDER GRANTING
RENEWED MOTION FOR TEMPORARY
RESTRAINING ORDER AND
EXPEDITED DISCOVERY**

[PROPOSED] ORDER

Plaintiffs, the United States Olympic Committee and the International Olympic Committee, having moved *ex parte* for a Motion for Reconsideration of the Court's denial on July 25, 2008, of their *Ex Parte* Motion for Temporary Restraining Order or, in the alternative, having renewed their Motion for Temporary Restraining Order and Expedited Discovery, and the Court having reviewed Plaintiffs' First Amended Complaint, filed on or about July 29, 2008, Plaintiffs' *Ex Parte* Application, the memorandum of points and authorities and declarations filed in support thereof, the Court finds that there is **GOOD CAUSE** appearing to

~~GRANT~~ Plaintiffs' *Ex Parte* Motion for Reconsideration

OR

X **GRANT** Plaintiffs' Renewed *Ex Parte* Motion for Temporary Restraining Order,

and finds as follows:

1. Plaintiffs have established that this Court has:

X personal jurisdiction over Defendant XLH;

X personal jurisdiction over the Doe Defendants that operate the websites and use the domain names at issue here;

~~in rem jurisdiction over the domain name Defendants Beijingticketing.com; 2008.Olympics.com;~~

~~Beijingolympic2008tickets.com; Beijingolympictickets2008.com;~~

~~Olympic.tickets.net; and Olympicticketsbeijing2008.com~~

2. Plaintiffs have met their burden of demonstrating that they are likely to succeed on the merits of their claims against Defendants;

3. There is a reasonable inference that unless enjoined, Defendants will continue to use Plaintiffs' trademarks deceptively to market and solicit sales of tickets to the 2008 Olympic Games in Beijing;

1 4. Defendants have caused and, if permitted to continue such
2 conduct unrestrained, Defendants will likely continue to cause, irreparable damage
3 and harm to Plaintiffs;

4 5. The harm to Plaintiffs if a Temporary Restraining Order is not
5 granted far outweighs any harm that Defendants may suffer if it is granted;

6 6. The relief Plaintiffs request is in the public interest.

7 **TEMPORARY RESTRAINING ORDER**

8 **PURSUANT TO PLAINTIFFS' MOTION FOR**
9 **RESTRANING ORDER**
~~RECONSIDERATION~~, IT IS HEREBY ORDERED that, pending a hearing on
10 a preliminary injunction, Defendants and all persons and/or entities acting on their
11 behalf, for their benefit or in active concert or participation with them are
12 **HEREBY TEMPORARILY RESTRAINED** as follows:

13 1. They shall not display (1) the word mark OLYMPIC, U.S.
14 Trademark Registration Nos. 968,566, 2,311,493 and 2,777,890; (2) the word mark
15 BEIJING 2008, U.S. Trademark Registration Nos. 2,739,492 and 2,764,102; or (3)
16 the official emblem of the Beijing 2008 Olympic Games, U.S. Trademark
17 Registration No. 3,043,229, or any part or variation thereof (the "Olympic Marks"),
18 or any terms that are confusingly similar thereto, on the Websites or any other
19 website;

20 2. They shall not directly or indirectly infringe the Olympic Marks
21 in any manner including, but not limited to, by using them in advertising or offering
22 for sale any tickets or other goods or services using said trademarks;

23 3. They shall not engage in any conduct that tends falsely or
24 misleadingly to represent that the actions of Defendants, the tickets sold by
25 Defendants, or Defendants themselves are connected with Plaintiffs or
26 organizations guided by the Olympic Charter, including the IOC, the USOC, the
27 international sports federations, and the other National Olympic Committees,
28

1 Organizing Committees of the Olympic Games and local clubs and the persons
2 belonging to them (the “Olympic Movement”), are sponsored, approved, or
3 licensed by Plaintiffs or the Olympic Movement, or are in some way connected or
4 affiliated with Plaintiffs or the Olympic Movement, or that is likely to confuse,
5 mislead, or deceive members of the public, into believing same;

6 4. They shall not affix, apply, annex, or use in connection with
7 tickets or any other goods or services, a false description or representation,
8 including words or other symbols, tending to falsely describe or represent such
9 goods or services as being those of Plaintiffs;

10 5. They shall not otherwise compete unfairly with Plaintiffs in any
11 manner;

12 6. The following domain names shall be impounded, such that
13 eNom, Inc. and VeriSign, Inc., or any other entity having authority and control over
14 the domain names are hereby directed to immediately disable the aforementioned
15 domain names via a registrar or registry hold or other procedure, and deliver a
16 certificate attesting thereto, so that neither Defendants nor the consuming public
17 can gain access thereto: <http://beijingticketing.com>;
18 <http://www.beijingolympic2008tickets.com>; <http://www.olympic-tickets.net>;
19 <http://www.beijingolympictickets2008.com>; <http://www.2008-olympics.com>;
20 <http://www.olympicticketsbeijing2008.com>; and <http://www.buy-olympic-tickets.co.uk>;

22 7. Defendants shall not use, and shall forfeit so long as this Order
23 is in effect, any and all domain names that incorporate or utilize in any way any of
24 the Olympic Marks or any terms similar thereto, including but not limited to:
25 <http://beijingticketing.com>; <http://www.beijingolympic2008tickets.com>;
26 <http://www.olympic-tickets.net>; <http://www.beijingolympictickets2008.com>;
27 <http://www.2008-olympics.com>; <http://www.olympicticketsbeijing2008.com>; and
28 <http://www.buy-olympic-tickets.co.uk>;

1 8. Defendants shall no longer continue to operate the following
2 Websites under the current domain names or under any other domain name:
3 http://beijingticketing.com; http://www.beijingolympic2008tickets.com;
4 http://www.olympic-tickets.net; http://www.beijingolympictickets2008.com;
5 http://www.2008-Olympics.com; http://www.olympicticketsbeijing2008.com; and
6 http://www.buy-olympic-tickets.co.uk; and

7 9. They shall not effect assignments or transfers, form new entities
8 or associations or utilize any other means or device for the purpose of
9 circumventing or otherwise avoiding prohibitions set forth herein.

10 **~~IN THE ALTERNATIVE, UNDER DEFENDANTS' RENEWED~~**
11 **~~MOTION FOR TEMPORARY RESTRAINING ORDER, IT IS ORDERED THAT:~~**

12 + The domain name Defendants shall be impounded, such that
13 ~~eNom, Inc. and VeriSign, Inc., or any other entity having authority and control over~~
14 ~~the domain names http://beijingticketing.com;~~
15 ~~http://www.beijingolympic2008tickets.com; http://www.olympic-tickets.net;~~
16 ~~http://www.beijingolympictickets2008.com; http://www.2008-Olympics.com; and~~
17 ~~http://www.olympicticketsbeijing2008.com, are hereby directed to immediately~~
18 ~~disable the aforementioned domain names via a registrar or registry hold or other~~
19 ~~procedure, and deliver a certificate attesting thereto, so that neither Defendants nor~~
20 ~~the consuming public can gain access thereto.~~

21 **IT IS FURTHER ORDERED** that the Temporary Restraining Order
22 shall remain in effect until a ruling is issued on a preliminary injunction pursuant to
23 the Order to Show Cause.
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ORDER TO SHOW CAUSE

25 1. **IT IS FURTHER ORDERED** that on August 13,
26 2008, at 9:00 a.m., in Courtroom 2 of the above-captioned Court located at 450
27 Golden Gate Avenue, San Francisco, California, 94102, Defendants are
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1 **ORDERED** appear at a hearing as to why a preliminary injunction should not issue
2 against them as follows under the same terms and conditions as set forth in the
3 temporary restraining order set forth above and issued herewith. Defendants shall submit
4 any opposition to the request for preliminary injunction by 3:30 a.m. on August 7, 2008. Plaintiffs
may file a reply, if any, by no later than 3:30 p.m. on August 11, 2008.

5 **[PROPOSED] ORDER GRANTING EXPEDITED DISCOVERY**

6 Good cause appearing therefore, Plaintiffs motion for an order expediting
7 discovery in conjunction with its Motion for Temporary Restraining Order against
8 Defendants is granted. Therefore, it is hereby ordered:

9 1. Plaintiffs may conduct discovery directed to ServePath and
10 eNom, Inc., whom Plaintiffs believe are likely to have information regarding
11 Defendants' identities and contact information, including the identities of those
12 working with or for Defendant Xclusive Leisure & Hospitality, Ltd. Plaintiffs may
13 conduct such discovery to obtain the names, addresses, email address and telephone
14 numbers of Defendants and any other information likely to lead to the discovery of
15 the identity of Defendants.

16 **IT IS SO ORDERED.**

17 Dated: August 4
18 July _____, 2008

19 By: 
20 United States District Court Judge

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